

April 23, 1936.

Mr. S. L. Lewis,
State Game Warden,
Phoenix, Arizona.

Dear Mr. Lewis:

Referring to your letter of April 4, wherein you request an opinion from the Attorney General as to whether or not, under the provisions of Section 40, Chapter 84, Laws of 1929, the Arizona Game and Fish Commission may issue a permit authorizing the collection of migratory birds for scientific purposes:

Section 40, supra, reads in part as follows:

*** The commission may also issue a permit, revocable at pleasure, to any person to collect and possess wild animals or wild birds, or birds' nests or eggs, for scientific, propagation or exhibition purposes, BUT NO PERMIT SHALL AUTHORIZE THE COLLECTION, POSSESSION, PURCHASE OR SALE OF MIGRATORY BIRDS, OTHER THAN MIGRATORY WATER-FOWL FOR PROPAGATION PURPOSES. *** (capitals ours)

From a reading of this provision, it is the opinion of the Attorney General that, while permits may be issued by your Commission for the collection of migratory waterfowl for propagation purposes, the Commission does not have the authority to issue permits authorizing the collection of migratory waterfowl or migratory birds for scientific purposes.

Very truly yours,

JOHN L. SULLIVAN,
Attorney General.

ELMER C. COKER,
Assistant Attorney General.

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